

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**THE STATE OF TEXAS,**

**Plaintiff,**

**v.**

**MIGUEL CARDONA, et al.,**

**Defendants.**

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**Civil Action No. 4:23-cv-00604-O**

**ORDER**

On April 29, 2024, the U.S. Department of Education published new Title IX regulations. *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 89 Fed. Reg. 33,474 (Apr. 29, 2024) (the “Final Rule”). To prevent the Final Rule from becoming effective on August 1, 2024, litigation arose around the country.<sup>1</sup> One of those lawsuits is pending in the Amarillo Division of the Northern District of Texas: *Texas v. United States*, 2:24-cv-00086-Z (N.D. Tex. Apr. 29, 2024). These lawsuits appear to involve the same subject matter as the present case. Given these developments, the Court questions whether some of Defendants’ jurisdictional arguments are now moot.<sup>2</sup> Accordingly, the Court finds supplemental briefing appropriate in this case.

To that end, the Court **ORDERS** the parties to submit cross-briefing on the following topics: (1) whether any of Defendants’ jurisdictional arguments are moot in light of the Final Rule

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<sup>1</sup> By the Court’s count, there are five related cases. *E.g.*, *Alabama, et al. v. Cardona, et al.*, 7:24-cv-00533-GMB (N.D. Ala. Apr. 29, 2024); *Louisiana, et al. v. U.S. Dep’t of Education, et al.*, 3:24-cv-00563-TAD-KDM (W.D. La. Apr. 29, 2024); *Sch. Bd. Rapides Parish v. U.S. Dep’t of Education, et al.*, 1:24-cv-00567-TAD-JPM (W.D. La. Apr. 30, 2024); *Tennessee, et al. v. Cardona, et al.*, 2:24-cv-00072-DLB-CJS (E.D. Ky. Apr. 30, 2024); *Texas v. United States*, 2:24-cv-00086-Z (N.D. Tex. Apr. 29, 2024).

<sup>2</sup> See Defs.’ Cross Mot. for Summ. J. 8–31, ECF No. 27 (arguing that the Court lacks subject matter jurisdiction for five reasons); Defs.’ Reply Br. in Support of Cross Mot. for Summ. J. 3–15, ECF 32 (same).

and (2) whether this matter should be consolidated with the related case pending in the Amarillo Division. The cross-briefs **SHALL** be submitted by no later than **May 9, 2024**. Each brief **SHALL** consist of ten or fewer pages.

**SO ORDERED** on this **2nd** day of **May, 2024**.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE